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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/220,016	12/23/1998	ANDREW JOHN HOMAN	RO4364(NORT10-00005)	4058

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DALLAS, TX 75380

EXAMINER
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APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/220,016

Applicant(s)

HOMAN ET AL.

Examiner

Charles Appiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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**Commissioner of Patents and Trademarks**

See attached

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 2/3/03 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/220,016 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Objections***

2. Claims 39, 42 and 44 are objected to because of the following informalities:

It appears a comma should be inserted between "server" and "the" on line 8, and "memory" and "and" on line 9 of claim 39, line 11 and line 12 of claim 42 and line 8 and line 9 of claim 44, respectively, in order to clarify the claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 39-46 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to claims 39, 42 and 44, it is not adequately disclosed and it is not clear how "in the off-line mode, when the application program running on the server modifies data at the server the application running on the server establishes a data session with the wireless terminal

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and updates corresponding data in the in the virtual memory and when the local application program modifies particular data in the virtual memory the local application program outputs a message, to the server, containing updates for at least some of the particular data". This makes the claims non-enabling as it is not disclosed how a data session between the application running on the server and the wireless terminal is established in the off-line mode.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 39, 40, 42, and 44, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shirai (6,104,924)** in view of **Gauvin et al. (5,991,760)**.

With respect to claim 39 Shirai discloses a wireless terminal method and a wireless terminal comprising:

providing a memory on the wireless terminal, which in an on-line mode is adapted to be treated as a local virtual memory by an application program running on a server to read and write data in the virtual memory related to the remote application program ("... fixed station supplies to the mobile station the appropriate scripts which the mobile station is capable of utilizing, the mobile station stores the supplied scripts in its memory", col. 5, lines 5-9), and Shirai further teaches operating the mobile station in accordance with the stored at least one script and receiving a user input to aid in configuring the operating features of the mobile station to select and implement at least one specific capability indicated in the terminal capabilities response without further

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contact with the fixed station” (col. 6, lines 46-51). Shirai thus read on the invention as claimed except the limitation of the local application having read and write access to the data stored in the virtual memory, wherein in the off-line mode, when the application program running on the server modifies data at the server, the application program running on the server establishes a data session with the wireless terminal and updates corresponding data in the virtual memory and when the local application program modifies particular data in the virtual memory, the local application program outputs a message to the server, containing updates for at least some of the particular data.

Gauvin discloses method for modifying copies of remotely stored documents using a web browser (see title), in which a local copy of a remote network document that has been downloaded from the network on to a client computer can be accessed and modified when the client is disconnected from the network (see abstract, col. 2, lines 11-29 and col. 5, lines 6-40). Gauvin further discloses that modifications made to the local database copy may be made to the database of the origin server upon re-connection (see col.5, lines 54-57).

It would therefore have been obvious to one of ordinary skill in the art have been obvious to one of ordinary skill in the art, at the time of the invention to incorporate the above teaching of Gauvin by providing read and write access to memory locations to which data has been downloaded in the system of Shirai for the benefit of enabling the updating or modification of downloaded information normally located on a remote server, when the terminal is not connected to the network and providing the updated information when reconnected to the server.

Regarding claim 40, Shirai further discloses providing an application program running on the server (see col. 5, lines 4-6).

With respect to claim 42, Shirai discloses a server method, comprising: providing an application program running on the server (see col. 5, lines 4-6), the application program treating as local virtual memory a memory located on a wireless terminal while a connection between the server and the wireless terminal is established (“... fixed station supplies to the mobile station the appropriate scripts which the mobile station is capable of utilizing, the mobile station stores the supplied scripts in its memory”, col. 5, lines 5-9, col. 5, lines 53-56), sending to the wireless terminal a local application program. Shirai further discloses operating the mobile station in accordance with the stored at least one script and receiving a user input to aid in configuring the operating features of the mobile station to select and implement at least one specific capability indicated in the terminal capabilities response without further contact with the fixed station”, col. 6, lines 46-51). Shirai further inherently teaches the wireless terminal downloading the local application program while in the on-line mode (“... downloading of the SMS-VT scripts from the fixed station to the mobile station . . .”, col. 4, lines 53-64), which suggests the capability of the application program running on the server to establish a data session with the wireless terminal when there had been a modification of data at the server in the off-line mode. Shirai further discloses configuring the operating features of the mobile station to select and implement at least one specific capability indicated in the terminal capabilities response without further contact with the fixed station (col. 6, lines 48-51), thus suggesting the capability of the mobile station to

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modify particular data in the virtual memory while in the off-line mode. Shirai thus read on the invention as claimed except the limitation of the local application having read and write access to the data stored in the virtual memory when run by the wireless terminal while in an off-line mode, and outputting a message to the server containing updates for at least some of the particular data.

Gauvin discloses method for modifying copies of remotely stored documents using a web browser (see title), in which a local copy of a remote network document that has been downloaded from the network on to a client computer can be accessed and modified when the client is disconnected from the network (see abstract, col. 2, lines 11-29 and col. 5, lines 6-40). According to Gauvin this enables a client to locally update a database, normally located on a remote server, when the client is not connected to the network (see col. 2, lines 5-9)

It would therefore have been obvious to one of ordinary skill in the art have been obvious to one of ordinary skill in the art, at the time of the invention to incorporate the above teaching of Gauvin by providing read and write access to memory locations to which data has been downloaded in the system of Shirai for the benefit of enabling the updating or modification of downloaded information normally located on a remote server, when the terminal is not connected to the network to conserve network or system resources.

With respect to claim 44, Shirai discloses a wireless terminal comprising: providing a memory , which in an on-line mode is adapted to be treated as a local virtual memory by an application program running on a server to read and write data in the



virtual memory related to the remote application program (“... fixed station supplies to the mobile station the appropriate scripts which the mobile station is capable of utilizing, the mobile station stores the supplied scripts in its memory”, col. 5, lines 5-9), and Shirai further teaches operating the mobile station in accordance with the stored at least one script and receiving a user input to aid in configuring the operating features of the mobile station to select and implement at least one specific capability indicated in the terminal capabilities response without further contact with the fixed station” (col. 6, lines 46-51), thus suggesting a local application program on the wireless terminal having read and write access to data in the memory in an off-line mode. Shirai further inherently teaches the wireless terminal downloading the local application program while in the on-line mode (“... downloading of the SMS-VT scripts from the fixed station to the mobile station . . .”, col. 4, lines 53-64), which suggests the capability of the application program running on the server to establish a data session with the wireless terminal when there had been a modification of data at the server in the off-line mode. Shirai thus reads on the invention as claimed except the limitation of the local application having read and write access to the data stored in the virtual memory, wherein in the off-line mode, when the application program running on the server modifies data at the server, the application program running on the server establishes a data session with the wireless terminal and updates corresponding data in the virtual memory and when the local application program modifies particular data in the virtual memory, the local application program outputs a message to the server, containing updates for at least some of the particular data.

Gauvin discloses method for modifying copies of remotely stored documents using a web browser (see title), in which a local copy of a remote network document that has been downloaded from the network on to a client computer can be accessed and modified when the client is disconnected from the network (see abstract, col. 2, lines 11-29 and col. 5, lines 6-40). Gauvin further discloses that modifications made to the local database copy may be made to the database of the origin server upon re-connection (see col.5, lines 54-57).

It would therefore have been obvious to one of ordinary skill in the art have been obvious to one of ordinary skill in the art, at the time of the invention to incorporate the above teaching of Gauvin by providing read and write access to memory locations to which data has been downloaded in the system of Shirai for the benefit of enabling the updating or modification of downloaded information normally located on a remote server, when the terminal is not connected to the network and providing the updated information when reconnected to the server.

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Shirai and Gauvin et al** as applied to claims 39 and 44 above, and further in view of **Perdomo (6,118,995)**.

Regarding claim 45, Shirai as modified by Gauvin fails to teach further comprising a plurality of keys having dynamically redefinable functions wherein the local application program specifies softkey labels identifying a respective function defined by the application program for at least one of the keys, the local application program comprising the functions defined for at least one of the keys.

Perdomo discloses a method for updating a function value in a wireless communication system in which as illustrated in Fig. 4, the operation of a function key using the current function value is changed by performing a function value change (86) when a change to the function value is received the function (76, 78, 80), with a local program in the wireless terminal comprising the functions defined for at least one of the keys having softkey labels (see col. 3, lines 10-65, col. 4, lines 16-49).

It would therefore have been obvious to one of ordinary skill in the art to incorporate the above teaching of Perdomo by providing the ability to change a function value based on a notification of geographic location for example, into the system the of Shirai and Gauvin in order to expand the value of wireless subscriber units without requiring a manual function change by an end user as taught by Perdomo.

### *Conclusion*

8. This is a request for continued prosecution of applicant's earlier Application No. 09/220,016. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Response to Arguments***

9. Applicant's arguments filed on 7/2/02 have been fully considered but they are not persuasive.

With respect to Applicants' argument that Gauvin fails to teach the element of "wherein in the off-line mode, when the application program running on the server modifies data at the server, the application program running on the server establishes a data connection with the wireless terminal and updates corresponding data in the virtual memory", as best understood by the examiner, Applicants' application program running on the server may modify data at the server in the off-line mode but the data connection with the wireless terminal is only possible in an on-line mode for the updating of the corresponding data in the virtual memory to take place and such a situation is broadly met by Gauvin's teaching of a user being able to access and modify the remote document copy through the client browser when disconnected, and upon re-connection to the network, the client computer then updating the remote document to reflect the changes made by the client computer during disconnect (see col. 2, lines 5-29). Gauvin thus provide a teaching for making the combination of Shirai and Gauvin in that it is possible to

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make modifications in the off-line mode and provide the modified data to another device when in an on-line mode, and hence the rejection of claim 39 is proper and maintained.

10. Applicant's arguments with respect to claims 40-46 have been considered but are moot in view of the new ground(s) of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703 305-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.

CA  
February 21, 2003

PRIMARY

  
**CHARLES APPIAH**  
**PATENT EXAMINER**